

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE: § § CASE NO. 12-35030
James C Elliott and Harriett Elliott § § CHAPTER 13
DEBTOR(S) § §

DEBTOR(S)' OBJECTION TO CLAIM NO. 11
OF INSOLVE RECOVERY, LLC

THIS IS AN OBJECTION TO YOUR CLAIM. THE OBJECTING PARTY IS ASKING THE COURT TO DISALLOW THE CLAIM THAT YOU FILED IN THIS BANKRUPTCY CASE. YOU SHOULD IMMEDIATELY CONTACT THE OBJECTING PARTY TO RESOLVE THE DISPUTE. IF YOU DO NOT REACH AN AGREEMENT YOU MUST FILE A RESPONSE TO THIS OBJECTION AND SEND A COPY OF YOUR RESPONSE TO THE OBJECTING PARTY WITHIN 21 DAYS AFTER THE OBJECTION WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE OBJECTION IS NOT VALID. IF YOU DO NOT FILE A RESPONSE WITHIN 21 DAYS AFTER THE OBJECTION WAS SERVED ON YOU, YOUR CLAIM MAY BE DISALLOWED.

A HEARING HAS BEEN SET ON THIS MATTER ON 3/18/2013 AT 10:00 AM IN COURTROOM 400, AT THE UNITED STATES COURTHOUSE, 515 RUSK AVENUE, HOUSTON, TEXAS 77002.

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Harriett Elliott, "Debtor(s)" herein, and files this *Objection to Claim No. 11 of INSOLVE RECOVERY, LLC*, "Claimant" herein, and would show the Court the following:

1. Debtor(s) filed this Chapter 13 bankruptcy case on 7/2/2012.
2. On 10/18/2012, Claimant filed Proof of Claim No. 11, the "Claim" herein, in the amount of \$915.98 as a unsecured claim. A copy of the Claim as filed is attached hereto as Exhibit "A".
3. Debtor(s) object to the Claim for the following reasons:

- a. Under 11 U.S.C. §502(b)(1), the debt made the basis of the Claim is unenforceable against the Debtor(s) or property of the Debtor(s) under any agreement or applicable law.
- b. The Claimant fails to include any documentation signed by the Debtor(s) or any documentation sufficient to support the alleged Claim.
- c. The Claimant fails to demonstrate standing to assert the Claim. The documentation attached to the Claim fails to establish Claimant's ownership of the underlying debt.
- d. The documentation attached to the Claim fails to meet the requirements of Fed. R. Bankr. P. 3001.
- e. As set forth in Debtor(s)' declaration, attached hereto as **Exhibit "B"**, Debtor(s) does not recognize the Claimant, Debtor(s)' personal records do not reflect that Debtor(s) owes any money to Claimant, Debtor(s) has not entered into any written agreement with Claimant, and Debtor(s) cannot determine when the alleged debt was incurred or if the debt was incurred by Debtor(s) or some other person to whom Debtor(s) is not related.

4. For the reasons set forth above, Debtor(s) requests that the Court disallow the Claim in its entirety.

5. Debtor(s) further requests that the Court award the undersigned firm reasonable and necessary attorneys' fees and costs caused by Claimant's failure to provide the required documentation set forth in Fed. R. Bankr. P. 3001.

WHEREFORE, Debtor(s) requests that the Court disallow the Claim and grant Debtor(s) such other relief as is just.

Respectfully submitted,

THE SUGHRUE LAW FIRM, PLLC

/s/ Jason D. Laas-Sughrue

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Attorney for Debtor(s)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the following parties, and on the attached list, if any, by first-class mail or by electronic service via the Court's ECF filing system on 02/07/2013:

Chapter 13 Trustee via Elecrtronic Service

David G. Peake
Chapter 13 Trustee
9660 Hillcroft Street, Suite 430
Houston, TX 77096-3860

Debtor via First-Class Mail

James C Elliott and Harriett Elliott
6710 Russselfield Lane
Houston, Texas 77049

Claimant via First-Class Mail

INSOLVE RECOVERY, LLC
c/o Capital Recovery Group,
Dept 3203
PO BOX 123203
DALLAS, TX 75312-3203

/s/ Jason D. Laas-Sughrue

Jason D. Laas-Sughrue